

REMARKS

This application has been reviewed in light of the Office Action dated February 28, 2006. Claims 1-4, 6-14, 16-26, and 28-35 are presented for examination, of which Claims 1, 6, 12, 26 and 33 are independent. Claims 5, 15 and 27 have been cancelled without prejudice or disclaimer. Claims 1-4, 6, 12, 14, 16-22, 24-26, 28-30, 33, and 35 have been amended to define more clearly what Applicants regard as the invention. Favorable reconsideration is respectfully requested.

Initially, in response to the Examiner's objection to the Information Disclosure Statement filed October 12, 2004, Applicants include herewith a Supplemental Information Disclosure Statement, along with copies of the cited references, in accordance with 37 C.F.R. § 1.98(a)(2). It is respectfully requested that the information contained therein be considered, and that the Examiner initial the Form PTO-1449 indicating that such information has been made of record. Further in this regard, Applicants note that the IDS filed October 8, 2004, which listed three U.S. patents, was not initialed by the Examiner.

Applicants further note that the foregoing claim listing at pages 2-13 of the present Amendment includes the claims along with their status identifiers in appropriate form.

With regard to Claim 14, Applicants have now amended this claim to recite that the -- database is a radio frequency database --.

The Examiner has also objected to Claim 21. This claim has now been amended to recite -- block of binary --, so as to remove the capitalization. It is believed

that all of the claim objections have now been addressed, and withdrawal is therefore respectfully requested.

Applicants gratefully acknowledge the Examiner's indication at pages 7 and 8 of the Office Action that Claims 5, 15-20, 23 and 27-30 include allowable subject matter and would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims from which they depend. In this regard, Claim 1 has now been amended to incorporate the essential subject matter of Claim 5, as well as to remove certain features believed are unrelated to patentability. Applicants respectfully submit that the deleted features are neither critical to patentability nor essential for defining the present invention over the prior art. Respectfully, therefore, Claim 1 is believed to be in condition for allowance.

Applicants further draw the Examiner's attention to the fact that Claims 12 and 26 have been amended to incorporate the essential subject matter of Claims 15 and 27, respectively, also indicated as allowable. Accordingly, these claims are likewise seen as presently in condition for allowance.

In the Office Action, Claims 1-4, 10-13, 21, 22, 24 and 25 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,032,136 (*Brake Jr.*). Further, Claims 33-35 are rejected under §102(b) as allegedly anticipated by U.S. Patent No. 5,578,808 (*Taylor*). Separately, Claims 6-9 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Brake* in view of U.S. Patent No. 5,844,230 (*Lalonde*), and Claims 14, 26, 31 and 32 are rejected as unpatentable over *Brake* in view of U.S. Patent No. 5,828,044 (*Jun*).

As understood by Applicants, *Brake* is directed to a financial transaction instrument having a primary function as a transaction card and a secondary function as a credit card. The transaction card operates as a non-credit instrument (e.g., gas card, phone card, dining card), and can be used at a single vendor or with multiple vendors offering the same type of service. *See* Column 2, lines 43-58. The secondary credit card feature may then be activated for use with vendors accepting, e.g., AMERICAN EXPRESS, VISA and MASTERCARD.

*Lalonde*, meanwhile, is directed to an information card indicated as storing a plurality of information sets in a single transaction device. In particular, the single card contains two distinct sets of embossed information such as, for instance, two separate credit card accounts, each stored on a respective side thereof. *See generally* Abstract.

Separately, *Taylor* discusses a data card that may substitute for several single-application cards, thereby performing multiple applications. *See* Abstract. This transaction smartcard includes a microprocessor that may perform numerous applications including, e.g., serving as a credit card, gas card and airline advantage card, while storing data including perhaps a PIN and various records for each separate account. *See generally* Column 3, lines 20-40.

Claim 6 has now been amended to incorporate certain subject matter from Claim 5 that was indicated as allowable. Further, Applicants have amended Claim 33 to incorporate the subject matter of Claim 27 which was indicated as allowable. As stated at page 8 of the Office Action, each of the “cited references, taken alone or in combination, fail to disclose or suggest transferring and account to a second service partner, or use of a condition header in manipulating the first and second data sets.” As neither of these

features is present in *Brake*, *Lalonde*, or *Taylor*, Applicants respectfully believe Claims 6 and 33, as amended, to be additionally patentable over the cited art.

A review of the other reference cited by the Examiner, *Jun*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above with respect to the features indicated as allowable, as references against the claims.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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